IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 1198 of 2005

Between:

N. Deeptisree Manikanti, Minor, Rep. by Father NVVKP Choudary,
R/o. Elamanchili, West Godavari District.

.... PETITIONER

AND

The Secretary, Board of Intermediate Education, Nampally,
Hyderabad.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction in the nature of Writ of Mandamus declaring the action of the respondent not implementing the proceedings vide Rc.No. 81/E2-1/2001-2002 dated 9-4-2002 to the petitioner by rejecting vide Rc.No. 125/C4-1/March 2003 dated

21-9-2004 is illegal, arbitrary and violative of principles of natural justice.

Counsel for the Petitioner: MR.NARAM NAGESWARA RAO

Counsel for the Respondent: Standing Counsel for the Board of Intermediate, Kum. C.Sindu Kumari

The Court, at the admission stage, made the following:

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ORDER:

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This writ petition is filed questioning the proceedings dated 21-09-2004, issued by the respondent-Secretary Board of Intermediate Education, Nampally, Hyderabad, rejecting the request of the petitioner for grant of certain concessions and exemptions provided under the proceedings dated 09-04-2002 as arbitrary and illegal.

The petitioner, who was born deaf and dumb, is studying junior intermediate with M.P.C.(TM), at K.K.R. Junior College, Bhimavaram. The request of the petitioner to extend the concessions and exemptions as provided in the proceedings of the Commissioner and Secretary, Board of Intermediate Education in Rc.No.81/E2-1/2001-2002, dated 09-04-2002, was rejected by the respondent only on the ground that she has not availed the said concessions at S.S.C. level. The said order dated 21-09-2004 is under challenge in this writ petition.

On behalf of the respondent Board, a counter affidavit has been filed in which it is reiterated that she is not entitled for concessions and exemptions as provided under the proceedings dated 09-04-2002, since, she has not availed the same at S.S.C. level.

Having heard the learned counsel for both the parties and on perusal of the proceedings dated 09-04-2002; I do not find any substance in the objection raised by the respondent Board.

Under the proceedings dated 09-04-2002, certain concessions and exemptions such as exemption of First Language i.e., English, relaxation of jumbling system,

reduction of pass marks to 25%; 30 Minutes extra time and exempting payment of examination fees which were hitherto extended to the Blind, Deaf, Deaf & Dumb and physically handicapped candidates upto 10th standard have been extended upto intermediate level. Absolutely there is no clause in the proceedings dated 9-4-2002 prohibiting a candidate who has not availed the said concessions and exemptions at the S.S.C., level from availing the same at the Intermediate level. Hence, the respondents are not justified in rejecting the request of the petitioner.

In the circumstances, I am of the view that the impugned order dated 21-09-2004 is unsustainable. Accordingly, the said order is set aside and the respondent Board is directed to consider the request of the petitioner afresh and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 10-02-2005

Note: Furnish C.C. by tomorrow.

LSK

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER.

To

1. The Secretary, Board of Intermediate Education, Nampally, Hyderabad.

2. Two C.D. copies.